IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPEAL NO. 602 OF 1990

The State of Maharashtra .. Appellant

versus

Narayan Shahajirao Chavan & Anr... Respondents

...

Mr.D.P. Adsule, APP for the State.

None for the respondent.

CORAM : V.M. KANADE, J

DATED : 29th October 2004.

P.C:-

1. Heard the learned APP appearing on behalf of the State.

2. The State is challenging the judgement and order passed by Judicial Magistrate First Class, Pune whereby the accused were acquitted of the offence punishable u/s.326 r/w sec.34 of the IPC. Against the the said judgement and order dated 11th June 1990,

appeal against acquittal has been filed by the State. The learned APP has taken me through the judgement and order of the trial Court as also the evidence adduced by the prosecution. From the evidence adduced by the prosecution, it can be seen that the statements of the witnesses regarding the time and place of the incident varies practically on all particular aspects. Similarly, there is a variance in the statement of the prosecution witness regarding the weapons used by the accused. Further, it has come on record that the accused had filed a complaint against Sahebrao. It appears from the evidence on record that Sahebrao has put up PW no.1 for filing a complaint against the respondents. The findings given by the trial Court therefore, is based on evidence and it cannot be said that the said finding is unreasonable.

Appeal is therefore, dismissed.

V.M. KANADE, J